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*7/13*

To: FEC legislative affairs

Fax Number: 202-418-2806

From: Rep. Mike Quigley

Date: 6/11/12

Number of pages including cover: 2

Message: Re: viewability rule

Staff: Pat Van Grinsven

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**MIKE QUIGLEY**  
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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
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CRIME, TERRORISM, AND HOMELAND SECURITY  
THE CONSTITUTION

June 11, 2012

Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Chairman Genachowski,

I am writing to urge you to extend the "viewability rule", which is set to expire on June 12, 2012. As you know, this rule under the Communications Act requires cable operators to make all must carry stations viewable to their subscribers, regardless of whether the cable system is an analog, digital, or hybrid system.

Allowing this rule to sunset would negatively affect the 12.6 million households and approximately 33 million viewers that currently subscribe to cable systems that are not all-digital. These consumers amount to 22% of all households subscribing to cable in the United States. Households without all-digital cable systems would potentially lose access to the valuable religious, foreign language, and niche programming often found on must carry television stations.

Without the viewability rule, consumers without all-digital cable service would be forced to purchase or lease supplementary cable boxes, resulting in additional fees to view programming that was previously included at no cost. The intention of the digital television transition was not to limit choices or raise costs, and I believe the viewability rule serves as an important firewall against those outcomes. I urge you to extend this rule for at least one year to allow further progress toward all-digital cable, and to ensure that 33 million people are not cut off from the important programming offered on must carry stations.

Sincerely,

Mike Quigley  
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Mike Quigley  
U.S. House of Representatives  
1124 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Quigley:

Thank you for your letter concerning the Commission's proceeding to evaluate its "viewability" rule. I appreciate your interest in this matter and have directed the Chief of the Media Bureau's Office of Communications and Industry Information to respond. I am pleased to provide the enclosed correspondence discussing the disposition of this proceeding.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to be "JG", is written over the name Julius Genachowski.

Julius Genachowski

Enclosure



Federal Communications Commission  
Washington, D.C. 20554

July 26, 2012

IN REPLY REFER TO:  
CN-1200713

The Honorable Mike Quigley  
U.S. House of Representatives  
1124 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Quigley:

Thank you for your letter concerning the Commission's proceeding to review its rule governing the "viewability" of must-carry television broadcast stations to consumers who subscribe to analog and hybrid cable television service. Your views are very important and a copy of your letter will be included in the record of the proceeding.

As you may know, on June 11, 2012, the Commission unanimously adopted a *Fifth Report and Order* which concluded that, based on significant changes in the marketplace and technology, it would be in the public interest to allow the "viewability" rule adopted in 2007 to sunset. The Commission also determined that eliminating the rule would result in substantial benefits by providing cable television system operators with increased flexibility to meet consumer demands for high-definition digital programming and high-speed broadband services.

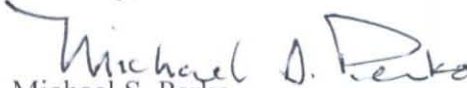
The Commission adopted several measures to help ensure that consumers who subscribe to hybrid cable television service will continue to have access to the programming provided by must-carry broadcast stations.

- *Transition Period:* Hybrid cable systems will continue to carry the analog versions of must-carry broadcast stations until December 12, 2012 to provide consumers, cable operators, and broadcasters with time to prepare for digital-only service.
- *Available and Affordable Equipment:* If a hybrid cable system decides to carry any must-carry broadcast stations in digital-only, we expect it will offer the necessary equipment to analog subscribers either at no charge or at an affordable rate that does not substantially deter use of the equipment.
- *Notice:* Cable television operators have committed to enhance their required 30-day written notice concerning service changes by: (1) informing affected subscribers that equipment will be necessary to view the must-carry signals and how the equipment may be obtained; and (2) providing broadcasters a minimum of 90 days notice before initiating any carriage changes to allow stations to help educate viewers on how to continue to access the stations' programming.

Finally, it is important to note that, while the Commission allowed its viewability rule to sunset, the statutory requirement to make must-carry stations "viewable" remains in effect. Therefore, a must-carry broadcaster who believes that a cable television system operator has failed to satisfy its carriage obligations may file a complaint with the Commission. In addition, the Commission will consider informal consumer complaints when evaluating whether a particular cable television system operator is complying with the statutory viewability requirement.

I hope this information is helpful, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko". The signature is fluid and cursive, with the first name "Michael" and last name "Perko" being clearly legible.

Michael S. Perko

Chief, Office of Communications and Industry Information  
Media Bureau